

Emily Taylor

From: Hugh Eastwood <heastwood@eastwoodlawstl.com>
Sent: Thursday, December 7, 2023 3:13 PM
To: Emily Taylor
Cc: Thomas Garland; Lisa May; alexis@tahincilaw.com; Maria Ashburn
Subject: Re: Daigle Deposition

Erick and Emily:

Thanks for the response.

We believe that once Johnson City chose to publish the Daigle Report, any privilege was waived as to its subject matter. *See Doe v. Hamilton Cnty. Bd. of Educ.*, No. 1:16-cv-373 at *2 and *6 (E.D. Tenn. Jan. 12, 2018).

We seek production responsive to Plaintiff's Second RFP No. 5. That includes:

1. all documents provided by JC to the Daigle Law Group
2. any draft reports made to JC by the Daigle Law Group
3. engagement communications and documents

As to 1, to the extent that Daigle was reviewing JCPD sex case files, then we already agreed to limit that which was provided to Daigle as to Williams victims.

We will arrange to have Mr. Daigle served if he will not accept service by email as we attempted to do in the past, and we will pay his fee.

We can be available at any time tomorrow for a conference call.

Thank you,

Hugh and Alexis

On Thu, Dec 7, 2023 at 11:59 AM Emily Taylor <etaylor@watsonroach.com> wrote:

Hugh and Alexis:

Having been out of town I am a bit slammed today so please excuse bullet point format.

- We would like to avoid a discovery dispute if at all possible because the courts dislike those disputes and expect lawyers to first try and resolve.
- I remain unclear what "work-product of Daigle" you are wanting. Are you wanting Daigle's work product information limited to the Sean Williams sexual assault files?

- The City did not hire Daigle to investigate the Dahl *Complaint* with respect to her retaliatory discharge or civil rights claims. More importantly the City has never expressed an intention to rely on the Daigle investigation to defend the lawsuit(s) against it. Had it done so, your entitlement to the work product might have purchase.
- Further, Daigle points out on page 2 of his audit: "... we were informed of ongoing litigation against JCPD...[but] it is important to note that our audit did not involve investigating the specific details of this litigation. ... Our audit was not influenced by [the litigation]."
- I have not communicated with Daigle and don't intend to prior to his deposition. All communication for deposition dates were requested by the City Attorney who has a contract with Daigle expressly stating an attorney-client relationship exists.
- We have not disclosed or identified Daigle as an expert for the defendants and do not intend to do so. For this reason alone, I have no means to provide assurances Daigle will appear for a deposition and cannot even consider accepting a subpoena for him. I have no authority to do so.
- Daigle's deposition fees will need to be addressed and paid by you not me.
- I have asked Sunny Sandos to have Daigle hold December 28th for his deposition.
- Finally, if you can specify what you are actually wanting, I would suggest we have a conference call after that is received. We are generally available tomorrow and will try to adapt to you schedule for the call.

Thank you,

Erick H. and Emily

Emily C. Taylor

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From: Hugh Eastwood <heastwood@eastwoodlawstl.com>
Sent: Wednesday, December 6, 2023 3:07 PM
To: Thomas Garland <tgarland@milligancoleman.com>
Cc: Lisa May <lisa@hbm-lawfirm.com>; alexis@tahincilaw.com; Emily Taylor <etaylor@watsonroach.com>; Maria Ashburn <mashburn@watsonroach.com>
Subject: Re: Daigle Deposition

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Tom:

Sounds good. Thanks for the update. We believe that all parties benefit from resolving this issue.

Hugh

On Wed, Dec 6, 2023 at 2:00 PM Thomas Garland <tgarland@milligancoleman.com> wrote:

Hi Hugh,

Erick has been traveling today and is just now getting back into town, but he has an appointment that will take the rest of the day. How about if we respond to you tomorrow on the A/C privilege issue (and the accepting service issue)? Emily and I have been discussing the A/C privilege issue today, but we need to talk to Erick.

Thanks,

Tom

From: Hugh Eastwood <heastwood@eastwoodlawstl.com>
Sent: Wednesday, December 6, 2023 12:29 PM
To: Lisa May <lisa@hbm-lawfirm.com>
Cc: alexis@tahincilaw.com <alexis@tahincilaw.com>; Thomas Garland <tgarland@milligancoleman.com>; Emily Taylor (etaylor@watsonroach.com) <etaylor@watsonroach.com>; Maria Ashburn <mashburn@watsonroach.com>
Subject: Re: Daigle Deposition

Erick,

We can take the Daigle depo by zoom on December 28th. We will circulate a zoom link beforehand.

Will you accept the attached subpoena for Mr. Daigle's depo and his file?

Before the deposition, we will need to resolve any objections to producing Mr. Daigle's file and to Plaintiff's Second RFP No. 1 and 5 on the basis of asserted A/C privilege. We have earlier exchanged correspondence seeking to resolve that objection.

We will file a motion to compel today and seek an expedited resolution if the City stands by its objection. Pls let us know.

Thanks,

Hugh and Alexis

On Wed, Dec 6, 2023 at 9:57 AM Lisa May <lisa@hbm-lawfirm.com> wrote:

Hugh and Alexis:

We have finally received available Daigle deposition dates via City Attorney Sunny Sandos.

I have distributed the available dates to defense counsel, Tom and Emily, and the only available date we can make work is December 28th.

Is that a workable date for you?

Erick H.

Lisa

Lisa May

Legal Assistant to Erick Herrin

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